



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Northwest Region
7600 Sand Point Way N.E., Bldg. 1
Seattle, WA 98115

Refer to:
2001/01421

July 11, 2003

Ms. Penny Dunn-Woods
Baker Resource Area Manager
U.S. Bureau of Land Management
100 Oregon Street
Vale, OR 97918

Re: Amendment to the Endangered Species Act Formal Section 7 Consultation and Magnuson-Stevens Fishery Conservation and Management Act Essential Fish Habitat Consultation, Integrated Noxious Weed Management Program for FY2003-2013, Bureau of Land Management Vale District, Union, Wallowa, Grant, and Umatilla Counties, Oregon

Dear Ms. Dunn-Woods:

On May 2, 2003, NOAA Fisheries transmitted a biological opinion (Opinion) for the Vale District of the Bureau of Land Management's (Vale BLM) Integrated Noxious Weed Management Program for FY2003-20139 (refer to: 2001/01421). After transmittal of this Opinion, the Vale BLM contacted NOAA Fisheries to obtain clarification regarding language included in the incidental take statement of this Opinion. On July 8, 2003, NOAA Fisheries met with the BLM to address these concerns.

To provide clarification, NOAA Fisheries substitutes provides the following replacement language to amend section 2.1, amount or extent of take, found on page 48 of the May 2, 2003, Opinion:

2.1 Amount or Extent of Take

NOAA Fisheries anticipates that the proposed action covered by this Opinion is reasonably certain to result in incidental take of SR chinook salmon, SR steelhead, and MCR steelhead because: (1) The proposed action is reasonably certain to kill, or more likely cause harm to, individual salmon and steelhead through lethal and sublethal exposure to herbicides; (2) the proposed action is reasonably certain to adversely affect essential features of critical habitat that would in turn reduce the survival of the subject species; (3) recent and historical data indicates the subject species are known to occur in the action area; and (4) the proposed action is likely to adversely affect availability of invertebrate prey




through toxic effects of herbicides that reach streams and rivers based on the analysis described in section 1.5 of this Opinion.

Despite the use of best scientific and commercial data available, NOAA Fisheries cannot quantify a specific amount of incidental take or individual fish or incubating eggs for this action. The amount of take depends on the circumstances at the specific locations where treatments will occur, which are not known at this time, the species present, and the life stage and number of fish present when treatment activities occur. Direct take (killing) of adult, juvenile, and incubating salmon or steelhead eggs is not authorized under this Opinion. For the purposes of this Opinion, the extent of indirect take is limited to the proposed treatment areas in the Lower Grande Ronde River subbasin, Upper Grande Ronde River, Wallowa River, Walla Walla River, North Fork John Day River, and Lower Snake/Asotin subbasins. Each year for the period of FY2003-2013, approximately 50 acres of riparian area treatment will occur.

The Vale BLM also requested that language in term and condition 4(d) of the incidental take statement be clarified. NOAA Fisheries intended the use of spray cards or other drift monitoring devices to apply to aerial spraying. The other methods of herbicide application (boom spraying, backpack spraying, wicking, wiping, *etc.*) are not expected to result in significant drift, therefore, applying the use of drift monitoring devices to these methods is not necessary.

If you have questions regarding this consultation, please call Randy Tweten of my staff in the Oregon Habitat Branch at 541.975.1835, ext 229.

Sincerely,


for D. Robert Lohn
Regional Administrator

cc: Alison Beck-Haas, USFWS
Dorothy Mason, BLM
Gary Miller, USFWS